



Regulatory Update: NPDES Keys to Compliance

May 21, 2009

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Introduction

- NPDES Enforcement Branch
- NPDES Program Requirements
- What to Look For and Where to Find It
- How ADEM Monitors Compliance
- Common Compliance Issues
- Emerging/Other Issues



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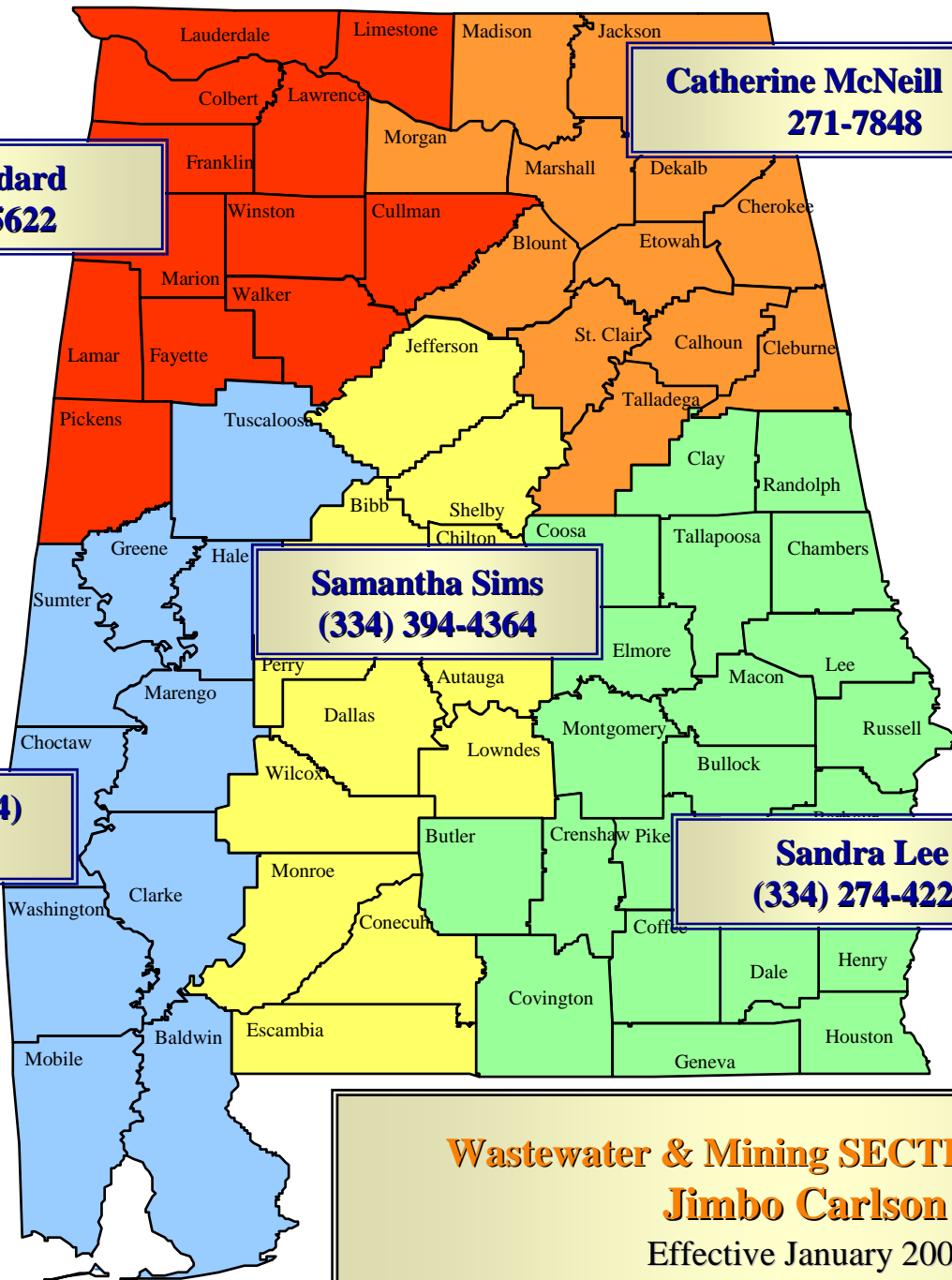
NPDES Enforcement Branch

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Env. Engineer Manager

Wastewater & Mining Section
Jimbo Carlson
Env. Engineer Supervisor

General Permit / MS4 Section
Lee Warren
Env. Manager

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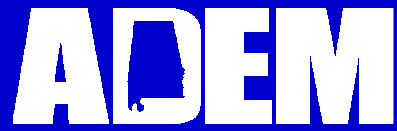
Catherine McNeill (334)
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Wastewater & Mining SECTION CHIEF,
Jimbo Carlson
Effective January 2009



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NPDES Program Requirements

- Effluent Limitations
- Monitoring Requirements
 - Sample Collection
 - Sample Analysis
- Record Keeping
- Reporting Requirements
 - DMRs
 - MWPPs
 - Groundwater Reports
- Best Management Practices (BMPs)



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What to Look For and Where to Find It

- Permit (Please Read!)
 - Cover Page
 - Issuance Date
 - Effective Date
 - Expiration Date
 - Outfalls



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE:

FACILITY LOCATION:

PERMIT NUMBER: AL00

RECEIVING WATERS: RIVER

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1376 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "RWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-5, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

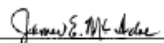
ISSUANCE DATE: MARCH 20, 2006

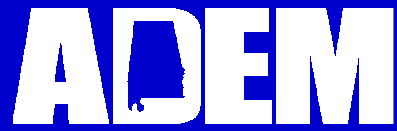
EFFECTIVE DATE: APRIL 1, 2006

EXPIRATION DATE: MARCH 31, 2011

MODIFICATION ISSUANCE DATE: MARCH 26, 2007

MODIFICATION EFFECTIVE DATE: MARCH 26, 2007


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What to Look For and Where to Find It

- Permit (continued)
 - Limits Page(s)
 - Discharge Description
 - Pollutants
 - Limitations (Seasonal, if applicable)
 - Monitoring Frequency
 - Sample Type
 - Sample Location
 - Footnotes

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

Such discharge shall be limited and monitored by the permittee as specified below:

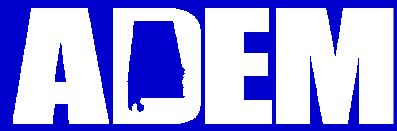
DSN0011: Treated process and sanitary wastewaters originating from chicken processing operations. 2/

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>					<u>MONITORING REQUIREMENTS 1/</u>		
	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Minimum</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Seasonal</u>
Oxygen, Dissolved (DO)	-	-	1.0 mg/l	-	REPORT mg/l	2X Weekly	Grab	-
BOD, 5-Day (20 Deg. C)	-	-	-	26 mg/l	16 mg/l	2X Weekly	Composite	-
pH	-	-	6.0 S.U.	8.5 S.U.	-	Week Days	Grab	-
Solids, Total Suspended	-	-	-	30 mg/l	20 mg/l	2X Weekly	Composite	-
Nitrogen, Total (As N)	-	-	-	147 mg/l	103 mg/l	2X Weekly	Composite	-
Nitrogen, Ammonia Total (As N)	-	-	-	8 mg/l	4.0 mg/l	2X Weekly	Composite	December - April
Nitrogen, Ammonia Total (As N)	-	-	-	7.5 mg/l	4.0 mg/l	2X Weekly	Composite	May - November
Nitrogen, Kjeldahl Total (As N)	-	-	-	60 mg/l	40 mg/l	2X Weekly	Composite	December - April
Nitrogen, Kjeldahl Total (As N)	-	-	-	15 mg/l	10 mg/l	2X Weekly	Composite	May - November

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF
VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

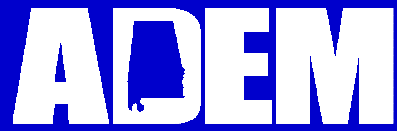
2/ See Part IV.B. for Best Management Practices (BMP) Plan Requirements.



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What to Look For and Where to Find It

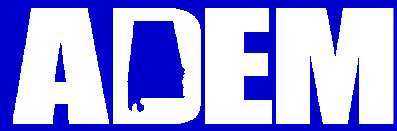
- Permit (continued)
 - Part I
 - Monitoring and Record Keeping
 - Representative Sampling
 - Measurement Frequency
 - Testing Procedures
 - Recording Results
 - Record Retention
 - Reporting
 - Frequency
 - Provided DMRs
 - E-DMR
 - Non-compliance Notification



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What to Look For and Where to Find It

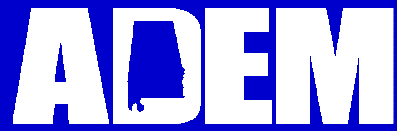
- Permit (continued)
 - Part II
 - Bypass Provisions
 - Upset Provisions
 - Part III
 - Definitions
 - Part IV – Additional Requirements
 - Toxicity
 - BMP Requirements
 - Stormwater Flow Measurements/Sampling
 - Total Residual Chlorine Sampling
 - Groundwater Monitoring Requirements
 - Other



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What to Look For and Where to Find It

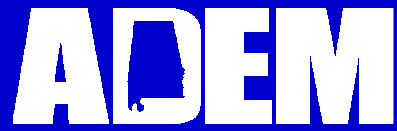
- Federal Regulations (40 CFR)
- Self Developed Plans
 - Best Management Practices (BMPs)
 - Sludge Control
 - Spill Prevention, Control and Countermeasures (SPCC)
 - Pollution Abatement and/or Prevention (PAP)
 - Total Toxic Organics (TTO)



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How ADEM Monitors Compliance

- Inspections
 - CEI
 - *Compliance Evaluation Inspection*
 - A Comprehensive Review of the Facility and On-Site Records
 - CSI
 - *Compliance Sampling Inspection*
 - A CEI with Sample Collection and Analysis
 - PAI
 - *Performance Audit Inspection*
 - A Comprehensive Review of Laboratory Procedures



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How ADEM Monitors Compliance

- Records Review
 - DMRs
 - Annual Reports
 - SSO Reports (Form 415)
 - Non-Compliance Notifications (Form 421)
 - Inspection Reports
 - Enforcement History
 - Compliance Schedule Reviews
 - Other



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Common Compliance Issues

- Effluent Violations
- DMR Errors
- Failure to Submit/Late Submittals
- Unpermitted Discharges
- Best Management Practices
- Failure to Monitor Properly
- Failure to Respond
- Failure to Comply with Orders

**National Pollutant Discharge Elimination System (NPDES)
Alabama Department of Environmental Management Discharge Monitoring Report (DMR)**

PERMITTEE NAME:
MAILING ADDRESS:

FACILITY:
LOCATION:

PERMIT NUMBER:
MONITORING POINT: 0011
MONITORING PERIOD:
YY | MM | DD YY | MM | DD
From: 09 05 01 To: 09 05 31

MAJOR COUNTY:
PROGRAM: Municipal
***** NO DISCHARGE! *****
NOTE: Read instructions before completing this form.

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum		Minimum	Average	Maximum				
OXYGEN, DISSOLVED (DO)	Sample Measurement	*****	*****	*****	6.5	*****	*****	19 mg/l	0	7/7	Grab
Parameter Code: 00300 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	*****	*****		5.0 minimum daily	*****	*****			Week Days	Grab
PH	Sample Measurement	*****	*****	*****	6.6	*****	7.0	12 S.U.	0	7/7	Grab
Parameter Code: 00400 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	*****	*****		5.0 minimum daily	*****	5.0 maximum daily			Week Days	Grab
SOLIDS, TOTAL SUSPENDED	Sample Measurement	7378	8259	26 lbs/day	*****	125.5	160.5	19 mg/l	0	5/7	24 Hr
Parameter Code: 00500 Stage Code: 0 B2M SEM/15 MINUTE	Point Requirement	report monthly average	report weekly average		*****	report monthly average	report weekly average			Week Days	24-Hr Composite
SOLIDS, TOTAL SUSPENDED	Sample Measurement	989	1878	26 lbs/day	*****	37.4	52.6	19 mg/l	3	5/7	24 Hr
Parameter Code: 00500 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	2251 monthly average	2277 weekly average		*****	30.6 monthly average	45.0 weekly average			Week Days	24-Hr Composite
NITROGEN, AMMONIA TOTAL (AS N)	Sample Measurement	44	58	26 lbs/day	*****	0.76	1.08	19 mg/l	0	5/7	24 Hr
Parameter Code: 00510 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	232 monthly average	349 weekly average		*****	3.1 monthly average	4.6 weekly average			Week Days	24-Hr Composite
FLOW, IN CUMMITS OR TONS TREATMENT PLANT	Sample Measurement	6.6	10.4	03 MGD	*****	*****	*****	*****	0	7/7	Contin
Parameter Code: 50050 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	report monthly average	report maximum daily		*****	*****	*****			daily	Continuous
CHLORINE, FREE RESIDUAL	Sample Measurement	*****	*****	*****	*****	55	2437	13 col/100 ml	2	5/7	Grab
Parameter Code: 74050 Stage Code: 1 EFFLUENT GROSS VALUE	Point Requirement	*****	*****		*****	1000 monthly average	2000 maximum daily			Week Days	Grab

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT Jon Smith	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS DELEGATEDLY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 25 U.S.C. § 1015. (Penalties under these statutes may include fines up to \$25,000 and criminal imprisonment of between 6 months to 5 years.)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT <i>Jon Smith</i>	TELEPHONE NO (205) 766-7441	DATE 6/20/09

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

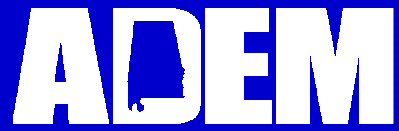


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Common Compliance Issues

- DMR Errors

<u>Code</u>	<u>Description</u>
NODI=B	Below Detection Limit
NODI=C	No Discharge
NODI=E	Analysis Not Conducted
NODI=G	Sampling Equipment Failure
NODI=H	Invalid Test
NODI=9	Monitoring is Conditional/Not Required



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Common Compliance Issues

- Failure to Submit/Late Submittals
 - DMRs
 - Complete Data
 - Reports (MWPP, Groundwater, Stormwater Monitoring)
 - Application for Permit Reissuance
 - Non-Compliance Notifications (Form 421)



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Common Compliance Issues

- Application for Permit Reissuance
 - Due 180 Days Prior to Current Permit Expiration
 - Application Received on Time – Permit is Administratively Extended
 - Discharges after the Permit's Expiration are Considered Unpermitted Discharges and Subject to Enforcement
 - Contact the NPDES Permit Branch for Applicable Forms and Fees

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION - INDUSTRIAL AND MUNICIPAL SECTIONS
NONCOMPLIANCE NOTIFICATION FORM

PERMITTEE NAME: _____ PERMIT NO: _____

FACILITY LOCATION: _____

DMR REPORTING PERIOD: May 2009

1 DESCRIPTION OF DISCHARGE: (Include outfall number(s))

D011- domestic wastewater

2 DESCRIPTION OF NON-COMPLIANCE: (Attach additional pages if necessary):

LIST EFFLUENT VIOLATIONS (If applicable)			
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Result Reported (include units)	Permit Limit (include units)
<u>D011</u>	<u>TSS- Monthly Avg</u>	<u>37.4 mg/L</u>	<u>30.0mg/L</u>
	<u>TSS- Weekly Avg</u>	<u>46.5-52.6mg/L</u>	<u>45.0mg/L</u>
	<u>EC- Daily Max</u>	<u>2427.6-2281.6</u>	<u>2000</u>
		<u>cm/100mL</u>	<u>cm/100mL</u>
LIST MONITORING / REPORTING VIOLATIONS (If applicable)			
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Monitoring / Reporting Violation (Provide description)	

3 CAUSE OF NON-COMPLIANCE: (Attach additional pages if necessary):

TSS- excessive algae growth in the clarifier

EC- UV system malfunction, bulbs went out

4 PERIOD OF NONCOMPLIANCE: (Include exact date(s) and time(s) or, if not corrected, the anticipated time the noncompliance is expected to continue)

TSS- 2nd and 3rd weeks of May

EC- May 5th and 6th

5 DESCRIPTION OF STEPS TAKEN AND/OR BEING TAKEN TO REDUCE OR ELIMINATE THE NONCOMPLYING DISCHARGE AND TO PREVENT ITS RECURRENCE (attach additional pages if necessary):

TSS- cleaned clarifier and will add cleanings to regular maintenance schedule

EC- ordered and replaced bulbs; will keep replacement bulbs on-site

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also declare that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Jon Smith
NAME AND TITLE OF RESPONSIBLE OFFICIAL (type or print)

Jon Smith / 6/20/09
SIGNATURE OF RESPONSIBLE OFFICIAL / DATE SIGNED



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Common Compliance Issues

- Unpermitted Discharges
 - Discharging through Unpermitted Outfalls
 - Discharging without a Permit
 - Discharging an Unpermitted Pollutant of Concern
 - Sanitary Sewer Overflows

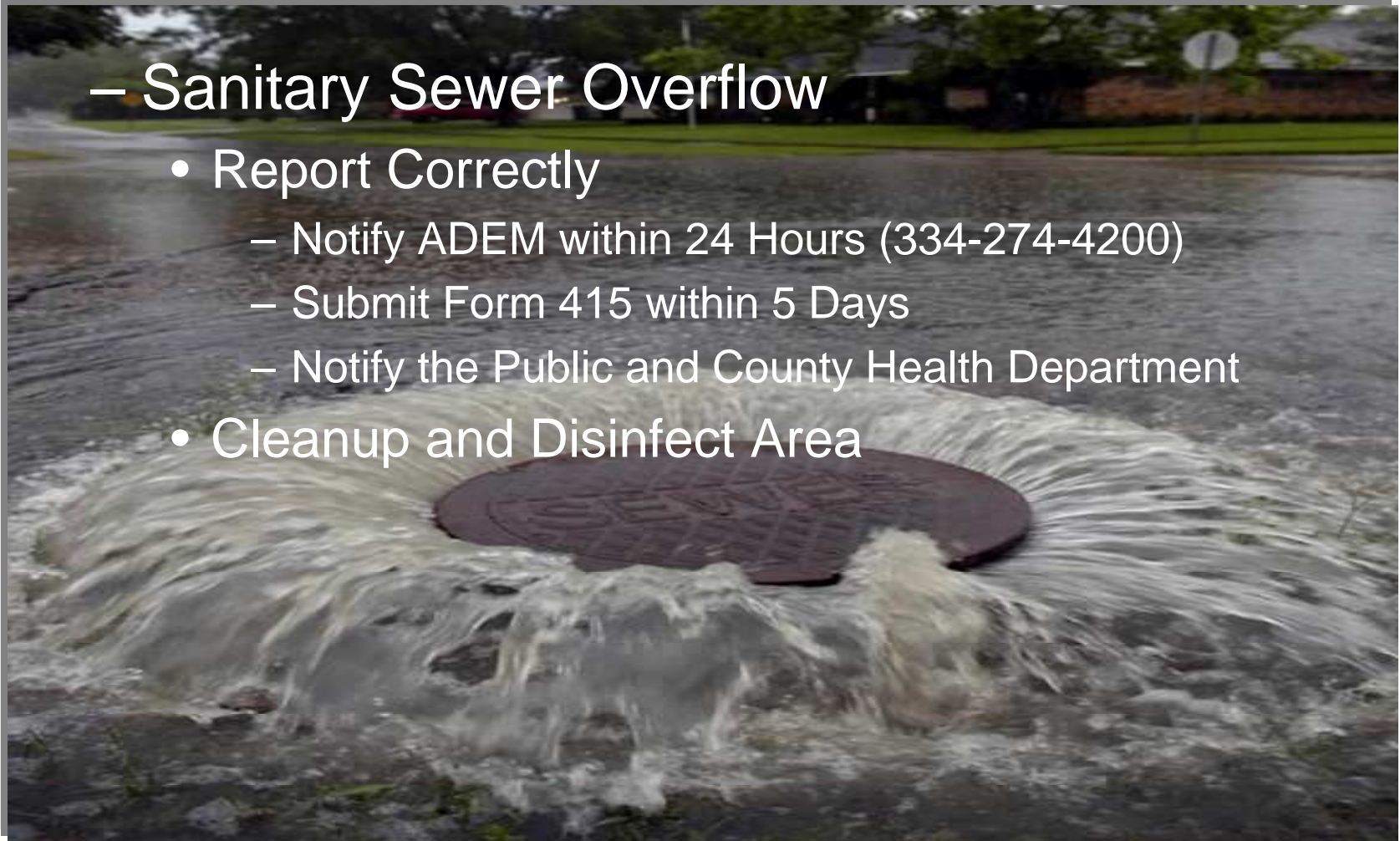


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Common Compliance Issues

– Sanitary Sewer Overflow

- Report Correctly
 - Notify ADEM within 24 Hours (334-274-4200)
 - Submit Form 415 within 5 Days
 - Notify the Public and County Health Department
- Cleanup and Disinfect Area



SANITARY SEWER OVERFLOW EVENT REPORTING FORM

NOTE: This form is to be used to document written notification of a sanitary sewer overflow event or sewage release within five days of becoming aware of the event.

Permittee Name: _____ Permit Number: _____
Facility Name: _____ County: _____
Date/Time SSO Began: _____ Date/Time SSO Stopped: _____
Estimated Volume Discharged: _____ gallons (Mandatory)
Estimated Volume is: () <1,000gal () >1,000gal () >10,000gal () >100,000gal () >1,000,000gal

Was Department verbally notified within 24 hours? () Yes () No Date/Time of Notification: _____
Person that verbally notified Department: _____ Phone Number: _____
Did you contact the SSO hotline? () Yes () No

Indicate source of discharge event: () manhole () lift station () broken line
() cleanout () treatment plant () other (describe): _____

Location of discharge (street address, etc.): _____

Known or suspected cause of the discharge: _____

Ultimate destination of discharge: () ground absorbed () creek or river (provide name): _____
() storm drain () drainage ditch () other (describe): _____

Monitoring of the receiving water is: () complete () ongoing

Describe corrective actions taken, plans to eliminate future discharges, and actions or plans to mitigate impacts to the environment and/or public health (attach additional sheets if necessary): _____

Indicate efforts to notify public (check all that apply):
() press release () other (describe): _____
() placement of signs () notice not required, because: _____

Indicate other officials notified (check all that apply):
() county health department () other (describe): _____
() notice not required, because: _____

Were any public water supply intake locations effected? () No () Yes If yes, who was notified? _____

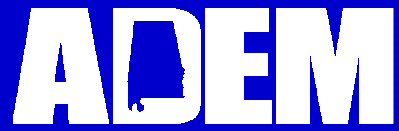
Name/Title of Facility Representative

Signature of Responsible Official
(If > 10,000 gal)

Date

I certify that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information to be true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

ONE COPY OF A USGS QUAD SHEET OR OTHER GEOGRAPHICALLY REFERENCED MAP MUST BE ATTACHED SHOWING THE EXACT LOCATION OF ALL DISCHARGES GREATER THAN 10,000 GALLONS.



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Common Compliance Issues

- BMPs
 - Spill Prevention
 - Regular Maintenance
 - General Housekeeping

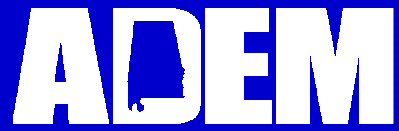




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Common Compliance Issues

- Failure to Monitor Properly
 - Frequency
 - Sample Type
- Failure to Respond
 - Warning Letter
 - NOV
 - Draft Orders
- Failure to Comply with Orders
 - Compliance Date
 - Stipulated Penalties
 - Engineering Report Implementation



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Emerging/Other Issues

- Raw Sewage Overflow Right to Know Act
 - Passed the U.S. House June 23, 2008
 - Possible Requirements
- 3rd Party Litigation
- EPA Oversight



Regulatory Update: NPDES Keys to Compliance

May 21, 2009

James (Jimbo) Carlson

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